

CITY COUNCIL MINUTES
February 25, 2013
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, February 25, 2013 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:45 p.m.

ROLL CALL:

Council Members Present: Keith Nesbitt, J.M. "Mike" Holmes, William Kirby, Bridget Powers, Kevin Hanley

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath and Sgt. Victor Pecoraro

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Holmes/Nesbitt/Unanimously approved

Existing Litigation:
(G.C. 54956.9(a))

Name of Case: City of Auburn v. Sierra Patient and Caregiver Exchange, Inc. et al.

Names of Parties: Plaintiff: City of Auburn. Defendants: Sierra Patient and Caregiver Exchange, Inc. (dba S&R Blooms & Blossoms); Richard Miller; and Does 1-10

Case No. S-CV-0029599 (Placer Superior Court)

REPORT OUT OF CLOSED SESSION

Mayor Hanley reported that direction was given to the City Attorney and there is no reportable action.

PLEDGE OF ALLEGIANCE

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/
ANNOUNCEMENTS**

Mayor Hanley presented a commendation for Auburn Drug Company.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. **Warrants**

By **RESOLUTION 13-16**, ratify and approve payment of warrants 81499 through 81682 totaling \$548,256.33.

2. **Recognized Obligation Payment Schedule**

As Successor Agency to the dissolved Auburn Urban Development Authority, by **RESOLUTION 13-17**, approve and adopt an update to the Recognized Obligation Payment Schedule pursuant to Health and Safety Code section 34177.

3. **Planning Commission Appointment**

Item removed from the consent calendar.

4. **Historic Design Review Commission Appointment**

By **RESOLUTION 13-18**, reappoint Terry Green to the Historic Design Review Commission.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar with item 2 as amended and excluding item 3.

MOTION: Holmes/Nesbitt/Approved 5:0

4a. **Planning Commission Appointment**

Council Member Kirby commented on caliber of interested applicants and he encouraged others to continue to step forward in the future.

By **RESOLUTION 13-19**, appoint Nick Willick to the City of Auburn Planning Commission.

MOTION: Kirby/ Powers/ Approved 5:0

5. **Public Comment**

Council Member Nesbitt said today would have been his late wife's 58th birthday and asked for the meeting to be adjourned in her honor.

COUNCIL BUSINESS

6. **Auburn Fire 2012 Incident Response Report**

Fire Chief Mark D' Ambrogi presented an overview of the 2012 Fire Department response and functions. This report included: (1) Fire Response, (2) Emergency Incidents, (3) Response Times, (4) Injuries & Mutual Aid, (5) Response Information, (6) Grant Review, (7) Volunteer Program & Training, (8) Department Operations, (9) Emergency Preparedness, and (10) Department Focus.

Council Member Holmes asked about availability of future grants due to pending federal sequestration and the ISO rating.

Council Member Nesbitt spoke briefly about the response times for critical incidents and asked about mutual aid responses.

Council Member Powers commended the fire department on their proactive hard work in the community and grants received.

Council Member Kirby asked the Fire Chief to bring back more detail on the EMS & Rescue breakdown. He said he would like an analysis on running different types of vehicles for "slip and trip" calls as opposed to running a fire engine to those types of incidents.

Mayor Hanley asked about the additional resources required to improve ISO class protection rating and testing of the Wide Area Rapid Notification system. He spoke of legislation needed for the area to create the ability to have physician assistants go on medical calls that can be handled off-site.

Council Member Kirby left the dais at 6:43 p.m.
Council Member Kirby returned at 6:44 p.m.

7. **Regional Sewer Project Deal Points**

Public Works Director Bernie Schroeder presented this item. She said this is a follow up from the February 11, 2013 meeting regarding creating deal points in regards to Auburn moving forward with a regional sewer project. She said in regards to the zero percent interest program that council asked she look into further; the requirements are the jurisdiction must

qualify as a disadvantaged community designation. She spoke of the minimal impact on the “per EDU” rate.

Council Member Powers asked about the process of the Environmental Impact Review.

Council Member Nesbitt asked for an amendment to the draft point: City Council Amendments #1: “Governance Agreement would be a Joint Powers Agreement with *Auburn* having a strong voice and veto powers over any major changes in the by-laws of leadership.

Council Member Holmes asked about the ability to qualify for the zero percent financing, proposition 218 processes, and the governance proposal.

Council Member Kirby clarified that if the deal points were accepted as written, the rate would be stabilized.

Charles Robb, resident of Auburn, asked about the disadvantaged community requirement and draft deal points in regards to labor negotiations for the regional pipeline.

Placer County Supervisor Robert Weygandt, District 2, said the County must reach closure in the next few weeks on this issue. He said it is unarguable that in Placer County the smaller treatment plants see larger increases than the larger plants due to regulation. He said future regulation on sewer treatment plants is unknown. He said he would like to have a joint workshop with the Auburn City Council and Board of Supervisors to work through the proposed deal points.

Richard Sanborn, resident of Auburn, spoke in opposition of this regional project and said he does not support sending the deal points to the regional partners.

Gordon Ainsleigh, resident of Meadow Vista, said he opposes the regional project saying it will bring unlimited density. He said he is under the impression that the project will not go forward without Auburn’s involvement. He said there are too many unfunded liabilities.

Council Member Kirby commented on the power of a JPA saying city and county governments shouldn’t be involved in this business. He said Placer County will move forward regardless of what Auburn decides to do. He said the only fiduciary responsibility of Auburn is to its ratepayers. He said he trusts the deal points will put together a governance structure that will protect Auburn ratepayers. He said he strongly supports the concept of a joint workshop to get to the bottom line.

Council Member Powers said a regional plant is the best long term solution and she also supports a joint workshop.

Council Member Holmes said the proposed deal points are going to create an unsatisfied response from the regional partners.

Council Member Nesbitt said he will also support a joint workshop between the partners. He said he understands the benefits of going regional, but is uncomfortable because there are still too many variables for the ratepayers of Auburn.

Mayor Hanley said he will oppose these specific deal points because they are not realistic. He said the deal points support a partial regional system and not a full regional system and it calls for the diversion of specified local plant improvement fee increase money from Auburn residents to this project. He said it is unlikely that the Board of Supervisors will subsidize the City at the rate of \$1M a year for seven years in the face of their other general fund needs. He said in order to make this realistic, the City would have to include a rate increase. He explained the difference in the partial regional system and a full regional system in regards to economy of scale. He said the Council should not divert the Public Works Director from other work to carry forward deal points that are unrealistic. He said there is no evidence that this flawed partial system will save the residents and business owners money in the future.

Council Member Kirby said he doesn't feel the county would be "subsidizing" Auburn, he said it's the rate payer's money that they have earned and deserve. He also said the County asked for a set of deal points, and the Council is doing that.

Council Member Holmes talked about Auburn's past efforts to address these issues with the County. He also talked about the increased cost to business owners in Auburn.

By **MOTION** do not send the deal points forward to Placer County or Lincoln.

Holmes/Hanley/MOTION FAILED 2:3 (Nesbitt, Kirby, Powers voted no)

Council Member Nesbitt said the discussions several years ago are very different from the discussions today. He said he supports the deal points as drafted.

By **MOTION**, approve the Regional Sewer Deal Points as amended and direct staff to send them to Placer County Board of Supervisors and the City of Lincoln Council with an expected response back within one month.

MOTION: Kirby/ Powers/ Approved 3:2 (Hanley/ Holmes voted no)

Conversation followed regarding the deal points being sent immediately and the purpose and timing of a workshop.

By **MOTION**, request a joint workshop between Placer County Board of Supervisors, City of Auburn and City of Lincoln regarding regional sewer.

MOTION: Kirby/ Powers/ Approved 5:0

Mayor Hanley said a workshop needs to have focus to be a productive conversation. He said the question really should be "should the City of Auburn (that's in compliance) agree to a rate increase to join a partial regional sewer; is it in the best interest of the city residents or not?"

Council Member Kirby confirmed again with the Public Works Director that if the deal points are accepted as approved, it would not result in a rate increase.

8. **Transfer of Documents and Records to the Placer County Archives**

Council Member Holmes presented this item. He said the City has a number of documents and records that need to be preserved and stored in a location where they will not deteriorate. He said the City Attorney has reviewed this list and said the items are eligible to be transferred to another facility. He said the new facility at Placer County is humidity and temperate controlled. He said the City Historian also supports this transfer. He said there is a portion of the records originally listed to move to Placer County that have since been removed from the list due to being records that need to be permanently retained by the City. He said because electronically retained is acceptable, in the future the physical records can be stored at Placer County Archives.

Council Member Nesbitt asked who the requesting agency is to move these items.

Council Member Holmes spoke about the Archive's practices in dealing with historical documents and records.

Council Member Kirby said some of items seem like they could be displayed in some of the display cabinets in City Hall. He asked about future ownership of the items.

Council Member Holmes said by transferring them to the County, they become property of the County, but the City would still have access to anything as needed.

Michael Otten, President of Placer County Historical Society, spoke in favor of moving these items to Placer County Archives.

By **MOTION**, approve the transfer of historic city documents and records to the Placer County Archives for safekeeping.

MOTION: Holmes/Powers/Approved 5:0

REPORTS

9. City Council Committee Reports

Council Member Holmes reported that the SEDCorp CEO position is being advertised; to be filled by July. He reported PCAPCD approved a new rule exempting the Dawson Oil Tanks from the CA Air Resources Board requirement to be painted reflective white. He reported the Clean Air Grant Program funding available. He also reported on the art work by local students in the City Hall Gallery.

Council Member Nesbitt reported on the EDC activities including the campaign contacting manufacturing CEOs, updating Discover Auburn Maps, and travel agency contacts. He also reported on the DBA and current website work being done. He said the DBA is also looking at the planter situation in Downtown.

Council Member Holmes spoke briefly about the forum in the Bay Area about the Chinese tourist industry. He said while he is in China he plans to connect with the "Visit CA" office located there.

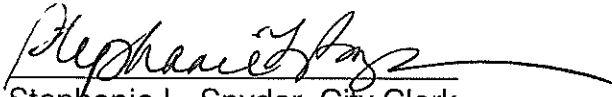
Mayor Hanley spoke about the tourist connections being made by Bootleggers. He also reported on legislative introductions, saying there are 2,189 bills out. He reported on Placer County Flood Control District. He reported on SACOG blueprint and the Sacramento Board of Supervisors situation. He read a letter he received from the 7th grade class of students at St. Joseph's Catholic School.

ADJOURNMENT

Mayor Hanley adjourned the meeting, without objection, in memory of Ann Davies-Nesbitt at 8:17 p.m.



Kevin Hanley, Mayor



Stephanie L. Snyder, City Clerk